

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. ADLER,

Plaintiff,

-against-

PAYWARD, INC. d/b/a KRAKEN,

Defendant.

Case No. 1:18-cv-08100

**REQUEST FOR CLERK'S  
CERTIFICATE OF DEFAULT  
WITH SUPPORTING AFFIDAVIT**

Civil Action

Robert C. Adler ("Plaintiff") by and through his undersigned counsel, Roger K. Marion of Marion & Allen, P.C., respectfully request the Clerk's Certificate of Default pursuant to Local Civil Rule 55.1.

STATE OF NEW JERSEY      )  
                                ) ss.:  
COUNTY OF BERGEN      )

ROGER K. MARION, being duly sworn, deposes and says:

1. I am Roger K. Marion, Esq., counsel for Plaintiff in this action. I respectfully submit this affidavit, based upon my personal knowledge, in support of Plaintiff's request for the Clerk's Certificate of Default.
2. The party against whom a notation of default is sought, Payward, Inc. is not an infant, in the military, or an incompetent person.
3. Payward, Inc. has failed to plead or otherwise defend the action.
4. The pleading to which no response has been made was properly served, in that Payward Inc., through its in-house counsel, agreed as permitted by F.R.Civ.P. 5(b)(1) and F.R.Civ.P. 5(b)(2)(E-F), to receive the Summons and Complaint electronically, received it

electronically, and delivered to me the executed Acknowledgement of Service annexed hereto at Exhibit A.

5. A form for the Clerk's Certificate of Default is annexed hereto at Exhibit B.



Roger K. Marion

Sworn to and signed before me by  
Roger Marion, known to me on this  
16<sup>th</sup> day of October, 2018



Lorraine Olson  
Notary Public

**LARAIN OLSON**  
**Notary Public of New Jersey**  
**My Commission Expires March 21, 2022**